

PROB 12B

(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Julio Acosta

Cr.: 06-00876-001
PACTS Number: 43111

Name of Sentencing Judicial Officer: William H. Walls, Sr. USDJ

Date of Original Sentence: 07/21/07

Original Offense: Conspiracy to Distribute a Controlled Substance

Original Sentence: 60 months imprisonment, 5 years supervised release, \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/10/10

PETITIONING THE COURT

- [] To extend the term of supervision for Years, for a total term of Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

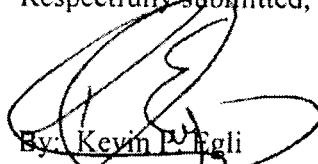
CAUSE

As previously reported to Your Honor, on June 29, 2010, the offender provided a urine sample which tested positive for the use of cocaine. Upon being confronted regarding this positive urine test, the offender admitted that he had used what he believed to be an ecstasy pill while intoxicated on alcohol at a club. Acosta recalled that he went to a family barbeque on Sunday, June 27, 2010, where he began to drink alcohol. After having an argument with his girlfriend, he left the barbeque and met with a female friend at a club. While at this club and intoxicated, he took a pill he was told was ecstasy.

Since reporting the above violations to Your Honor on July 20, 2010, the offender has admitted to drinking alcohol on several occasions after arguing with his ex-girlfriend, or while "stressed out." The offender's excessive drinking coupled with his history of domestic violence is a great concern. Upon being confronted regarding his drinking, Acosta agreed that he should not drink alcohol while on supervision and signed the attached Form 49. Additionally, the offender has

been referred to outpatient substance abuse counseling, anger management counseling, and was instructed to attend two Narcotics Anonymous (NA) meetings a week.

Respectfully submitted,



By: Kevin P. Egli
U.S. Probation Officer

Date: 09/02/10

7/11

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other



Signature of Judicial Officer

13 Sept 2010

Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

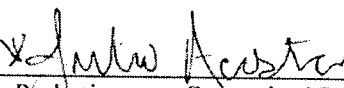
The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

Witness:



U.S. Probation Officer
Kevin P. Egan

Signed:



Probationer or Supervised Releasee
Julio Acosta

711
9/2/10

DATE